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Notice of Allowability

Application No.

09/586,183

Examiner

Donald L. Storm

Applicant(s)

MICHAELIS, PAUL ROLLER

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AMENDMENT AND RESPONSE filed August 26, 2004.
2. ☒ The allowed claim(s) is/are 1-4,6-8,10-12,14,15,17-28 and 30-40.
3. ☒ The drawings filed on 01 June 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Vijay Chawan

VIJAY CHAWAN
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to the Applicant, an amendment may be filed as provided by 37 CFR § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Mr. Thomas J. Osborne, Jr., attorney of record, on December 22, 2004.

The application has been amended as follows:

IN THE CLAIMS:

In claim 1, delete the final four lines beginning with "wherein said step . . ." and ending with "... voiced or unvoiced plosive.", and substitute therefor

--wherein said step of modifying at least one of said frame and another frame includes reducing an amplitude of a previous frame when said frame is determined to comprise a voiced or unvoiced plosive.--.

In claim 6, line 2, delete "includes", and substitute therefor --further comprises--.

In claim 11, delete the final four lines beginning with "wherein said step . . ." and ending with "... voiced or unvoiced plosive.", and substitute therefor

--wherein said step of adjusting includes decreasing the amplitude of a second frame that precedes said frame when said frame is determined to include a voiced or unvoiced plosive.--.

In claim 14, line 2, delete "includes", and substitute therefor --further comprises--.

In claim 19, delete the final three lines beginning with "wherein said means . . ." and ending with "... voiced or unvoiced plosive.", and substitute therefor

--wherein said means for modifying includes a means for reducing the amplitude of a frame that precedes a frame that comprises a voiced or unvoiced plosive.--.

In claim 28, line 2, delete "includes", and substitute therefor --further comprises--.

Allowable Subject Matter

2. Claims 1-4, 6-8, 10-12, 14, 15, 17-28, and 30-40 are allowed. The claims have been renumbered for printing to be claims 1-4, 5-7, 8-10, 11, 12, 13-24, and 25-35.

Response to Arguments

3. The prior Office action, mailed May 26, 2004 (paper 9), objects to the claims, and rejects claims under 35 USC § 102 and § 103. The Applicant's arguments and changes in AMENDMENT AND RESPONSE filed August 26, 2004 have been fully considered with the following results.

4. With respect to objection to the claims dependent upon rejected base claims, the base claims have been allowed. Accordingly, the objections are removed.

5. With respect to objection to those claims needing clarification, the changes entered by amendment provide clear descriptions of the claimed subject matter. Accordingly, the objections are removed.

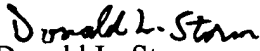
6. With respect to rejection of claims under 35 USC § 102 and § 103, the changes entered by the Applicant's amendment and Examiner's Amendment include subject matter previously indicated as allowable in independent claims 1, 11, 19, 31, 32, and 33. Accordingly, the rejections are removed.

7. The allowable subject matter of claim 34, and by dependency claims 35-40, resides in the whole structure and interaction expressed by the combination of all limitations compared to the prior art of record. No particular reference provides relevant, objective evidence to make the claimed method obvious by changing the fricative determination of the closest prior art to distinguish between unvoiced and voiced fricatives when boosting or not boosting the amplitude of the frame.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Art Unit 2654, whose telephone number is (703) 305-3941. The examiner can normally be reached on weekdays between 8:00 AM and 4:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.


Donald L. Storm
December 23, 2004


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER